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10 Attorneys for NexTag, Inc.

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 SAN FRANCISCO DIVISION

14 Louis Vuitton Malletier S.A.,

15 Plaintiff,

16 vs.

17 NexTag, Inc.,

18 Defendants.

CASE NO. 3:07 -cv-03763-MMC (WDB)

DECLARATION OF TODD MURTHA IN
SUPPORT OF NEXTAG, INC.'S REPLY IN
SUPPORT OF ITS MOTION TO COMPEL
DEPOSITION OF LOUIS VUITTON
MALLETIER S.A.

Hearing Date: April 30, 2008

Time: 1:30 p.m.

Place: Courtroom 4, 3rd Floor

Discovery Cut-Off: July 23, 2008

Pre-Trial Conference: February 3, 2009

Trial Date: February 17, 2009

1 I, Todd Murtha, declare as follows:

2 1. I am the Vice President of Business and Legal Affairs for NexTag, Inc.
3 ("NexTag"). In my capacity as Vice President, I have access to, and would in the ordinary course
4 of business become aware of, the subject matter set forth in this declaration. I have personal,
5 firsthand knowledge of the facts set forth herein, and if called and sworn as a witness, I could and
6 would testify competently thereto.

7 2. NexTag is a Delaware corporation with its principal place of business at
8 1300 South El Camino Real, Suite 600, San Mateo, California.

9 3. NexTag has no offices in New York, and is not domiciled in New York.

10 4. NexTag owns no property in New York, has no bank accounts in New
11 York, and employs no employees or officers in New York.

12 5. NexTag has never been sued in New York.

13 6. It would be burdensome for NexTag and its counsel to have to travel to
14 New York for the deposition of Louis Vuitton.

15
16 I declare under penalty of perjury under the laws of the United States that the
17 foregoing is true and correct. Executed this 25th day of April 2008, in San Mateo, California.

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20 Todd Murtha
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